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F.#2005R00368

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 1 2006 ★

BROOKLYN OFFICE

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UNITED STATES OF AMERICA

PRELIMINARY ORDER
OF FORFEITURE

- against -

05 CR 246 (S-1) (JG)

PINCHAS YUSUPOV and
EDUARD YUSUPOV,

Defendants.

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WHEREAS, the defendants EDUARD YUSUPOV and PINCHAS YUSUPOV were charged in a Superseding Information (the "Information") with Conspiracy to Deal in Counterfeit Currency, Dealing in Counterfeit Currency, and Conspiracy to Infringe Copyrights and Traffic in Counterfeit Goods;

WHEREAS, in the Information, the United States of America sought forfeiture of certain property of the defendants EDUARD YUSUPOV and PINCHAS YUSUPOV, pursuant to 18 U.S.C. § 982(a)(2) and 21 U.S.C. § 853(p);

WHEREAS, on or about October 20, 2005, the defendants EDUARD YUSUPOV and PINCHAS YUSUPOV pleaded guilty to Counts One and Three of the above-captioned Information alleging conspiracies to deal in counterfeit currency and to infringe copyrights and traffic in counterfeit goods respectively;

WHEREAS, pursuant to their respective plea agreements, the defendants EDUARD YUSUPOV and PINCHAS YUSUPOV agreed to the entry of a forfeiture money judgment in the amount of one hundred thousand dollars and no cents (\$100,000.00) in United States currency ("Forfeiture Money Judgment"). Defendants agreed to the forfeiture of the following vehicles (the "Forfeited Vehicles"):

(a) one 1995 green BMW 325i bearing VIN WBACB4327SFM25546; and

(b) one 1995 Mercury Grand Marquis bearing VIN 2MELM74WXSX622729 seized by law enforcement officers from him on or about April 5, 2005

Defendants also agreed to forfeit the following items seized from their business, Coming Attractions Video, located at located at 87-79 Parsons Boulevard, Queens, New York, on April 5, 2005, (the "Forfeited Equipment"):

- (a) 628 counterfeit digital video discs;
- (b) 7 computer processing units;
- (c) 1 computer monitor;
- (d) 1 computer scanner;
- (e) 1 computer laptop;
- (f) 1 digital video disc player;
- (g) 2 computer printers; and,
- (h) 3 boxes of blank digital video discs.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. The defendants shall forfeit all of their right,

title and interest in the Forfeiture Money Judgment, the Forfeited Vehicles, and the Forfeited Equipment.

2. The defendants agree that \$10,000 of the Forfeiture Money Judgment shall be due on or before the date of their guilty pleas and the balance of the Forfeiture Money Judgment shall be due on or before the date of sentencing (the "Due Date"). Interest on the Forfeiture Money Judgment shall accrue at the judgment rate of interest from the Due Date.

3. In partial satisfaction of the Forfeiture Money Judgment, the defendants shall forfeit to the United States any and all of their right, title and interest in approximately twenty-one thousand, four hundred and sixteen dollars, and no cents (\$21,416.00) in United States currency, more or less, seized by law enforcement officers from them on or about April 5, 2005. In addition, in partial satisfaction of the Forfeiture Money Judgment, the defendants agree to refinance the real property and premises located at 81-44 167th Street, Jamaica, New York 11432 (the "Queens Property"), which is currently owned by them. The defendants consent to the immediate filing of a lis pendens by the United States against the Queens Property, which is currently owned by the defendants. No contract of sale or refinancing in connection with the Queens Property may be entered into by the defendants without the prior written approval by the United States Attorney's Office for the Eastern District of New

York, which approval shall include not only the selling price or refinancing agreement, but also all fees and costs connected with the sale or refinancing. Any proceeds from such sale or refinancing, after payment of any approved liens, fees and expenses, shall be applied to any unpaid portion of the Forfeiture Money Judgment and thereafter, any excess proceeds shall be paid to the title owners of the property. The Forfeiture Money Judgment operates as a fully enforceable lien against the Queens Property to the extent that it remains unsatisfied. The United States Attorney's Office shall be notified of the date of any closing for any such sale or refinancing. The defendants shall have the proceeds from such sale or refinancing, less the approved liens, fees and expenses, made payable to the United States Marshals Service, as set forth below. The defendants shall make all payments to satisfy the Forfeiture Money Judgment by certified or bank check, payable to the U.S. Department of the Treasury and shall cause said checks to be sent by overnight air express delivery to Assistant United States Attorney Gurbir S. Grewal, United States Attorney's Office, Eastern District of New York, 1 Pierrepont Plaza, Brooklyn, New York 11201, with the criminal docket number noted on the face of each check.

4. Upon entry of this Order, the United States Attorney General or designee is authorized to seize any monies paid toward the Forfeiture Money Judgment, the Forfeited

Vehicles, and the Forfeited Equipment, to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c), and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

5. The United States Marshals Service shall publish notice of this Order, in accordance with the custom and practice in this district, in a newspaper of general circulation and of its intent to dispose of: (a) the \$21,416.00 in United States currency, more or less, seized by law enforcement officers from the defendants on or about April 5, 2005; (b) the Forfeited Vehicles; and (c) the Forfeited Equipment in such a manner as the Attorney General or his designee may direct.

6. The defendants shall not file a claim to: (a) the \$21,416.00 in United States currency, more or less, seized by law enforcement officers from the defendants on or about April 5, 2005; (b) the Forfeited Vehicles; or (c) the Forfeited Equipment. Nor shall the defendants assist any person in filing such a claim. Any person, other than the defendants, asserting a legal interest in (a) the \$21,416.00 in United States currency, more or less, seized by law enforcement officers from the defendants on or about April 5, 2005; (b) the Forfeited Vehicles; or (c) the Forfeited Equipment may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier,

petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6).

7. The United States shall have clear title to: (a) the \$21,416.00 in United States currency, more or less, seized by law enforcement officers from the defendants on or about April 5, 2005; (b) the Forfeited Vehicles; and (c) the Forfeited Equipment following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2).

8. Pursuant to the Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Preliminary Order, together with Supplemental Preliminary Orders of Forfeiture, if any, shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

9. This Order shall be final and binding only upon the Court's "so ordering" of the order.

10. The Court shall retain jurisdiction of this action to ensure compliance with the terms of this Order.

11. The Clerk of the Court is directed to send, by

inter-office mail, five certified copies of this executed Order of Forfeiture to Assistant United States Attorney Gurbir S. Grewal, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
May 25, 2006

s/John Gleeson

HONORABLE JOHN GLEESON
UNITED STATES DISTRICT JUDGE